

110TH CONGRESS  
1ST SESSION

# S. 432

To amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2007

Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. COLEMAN, Mr. DURBIN, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Kidney Disease Edu-  
5       cational Benefits Act of 2007”.

6       **SEC. 2. MEDICARE COVERAGE OF KIDNEY DISEASE EDU-**  
7       **CATION SERVICES.**

8       (a) COVERAGE OF KIDNEY DISEASE EDUCATION  
9       SERVICES.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (Z), by striking “and” at the end;

(ii) in subparagraph (AA), by adding “and” at the end; and

(iii) by adding at the end the following new subparagraph:

“(BB) kidney disease education services (as defined in subsection (ccc));” and

(B) by adding at the end the following new subsection:

“(ccc) KIDNEY DISEASE EDUCATION SERVICES.—(1)

The term ‘kidney disease education services’ means educational services that are—

“(A) furnished to an individual with kidney disease who, according to accepted clinical guidelines identified by the Secretary, will require dialysis or a kidney transplant;

“(B) furnished, upon the referral of the physician managing the individual’s kidney condition, by a qualified person (as defined in paragraph (2)); and

“(C) designed—

1 “(i) to provide comprehensive information  
2 regarding—

3 “(I) the management of comorbidities;

4 “(II) the prevention of uremic com-  
5 plications; and

6 “(III) each option for renal replace-  
7 ment therapy (including home and in-cen-  
8 ter, as well as vascular access options and  
9 transplantation); and

10 “(ii) to ensure that the individual has the  
11 opportunity to actively participate in the choice  
12 of therapy.

13 “(2) The term ‘qualified person’ means—

14 “(A) a physician (as described in subsection  
15 (r)(1));

16 “(B) an individual who—

17 “(i) is—

18 “(I) a registered nurse;

19 “(II) a registered dietitian or nutri-  
20 tion professional (as defined in subsection  
21 (vv)(2));

22 “(III) a clinical social worker (as de-  
23 fined in subsection (hh)(1));

24 “(IV) a physician assistant, nurse  
25 practitioner, or clinical nurse specialist (as

1                   those terms are defined in subsection  
2                   (aa)(5)); or

3                   “(V) a transplant coordinator; and

4                   “(ii) meets such requirements related to  
5                   experience and other qualifications that the  
6                   Secretary finds necessary and appropriate for  
7                   furnishing the services described in paragraph  
8                   (1); or

9                   “(C) a renal dialysis facility subject to the re-  
10                  quirements of section 1881(b)(1) with personnel  
11                  who—

12                   “(i) provide the services described in para-  
13                   graph (1); and

14                   “(ii) meet the requirements of subpara-  
15                   graph (A) or (B).

16                  “(3) The Secretary shall develop the requirements  
17                  under paragraph (2)(B)(ii) after consulting with physi-  
18                  cians, health educators, professional organizations, accred-  
19                  iting organizations, kidney patient organizations, dialysis  
20                  facilities, transplant centers, network organizations de-  
21                  scribed in section 1881(c)(2), and other knowledgeable  
22                  persons.

23                  “(4) In promulgating regulations to carry out this  
24                  subsection, the Secretary shall ensure that each bene-  
25                  ficiary who is entitled to kidney disease education services

1 under this title receives such services in a timely manner  
 2 that ensures that the beneficiary receives the maximum  
 3 benefit of those services.

4 “(5) The Secretary shall monitor the implementation  
 5 of this subsection to ensure that beneficiaries who are eli-  
 6 gible for kidney disease education services receive such  
 7 services in the manner described in paragraph (4).

8 “(6) No individual shall be eligible to be provided  
 9 more than 6 sessions of kidney disease education services  
 10 under this title.”.

11 (2) PAYMENT UNDER PHYSICIAN FEE SCHED-  
 12 ULE.—Section 1848(j)(3) of the Social Security Act  
 13 (42 U.S.C. 1395w-4(j)(3)) is amended by inserting  
 14 “(2)(BB),”, after “(2)(AA),”.

15 (3) PAYMENT TO RENAL DIALYSIS FACILI-  
 16 TIES.—Section 1881(b) of the Social Security Act  
 17 (42 U.S.C. 1395rr(b)) is amended by adding at the  
 18 end the following new paragraph:

19 “(14) For purposes of paragraph (12), the sin-  
 20 gle composite weighted formulas determined under  
 21 such paragraph shall not take into account the  
 22 amount of payment for kidney disease education  
 23 services (as defined in section 1861(ccc)). Instead,  
 24 payment for such services shall be made to the renal

1 dialysis facility on an assignment-related basis under  
 2 section 1848.”.

3 (4) LIMITATION ON NUMBER OF SESSIONS.—  
 4 Section 1862(a)(1) of the Social Security Act (42  
 5 U.S.C. 1395y(a)(1)) is amended—

6 (A) by striking “and” at the end of sub-  
 7 paragraph (M);

8 (B) by striking the semicolon at the end of  
 9 subparagraph (N) and inserting “, and”; and

10 (C) by adding at the end the following new  
 11 subparagraph:

12 “(O) in the case of kidney disease education  
 13 services (as defined in section 1861(ccc)), which are  
 14 performed in excess of the number of sessions cov-  
 15 ered under such section;”.

16 (5) ANNUAL REPORT TO CONGRESS.—Not later  
 17 than April 1, 2008, and annually thereafter, the  
 18 Secretary of Health and Human Services shall sub-  
 19 mit to Congress a report on the number of medicare  
 20 beneficiaries who are entitled to kidney disease edu-  
 21 cation services (as defined in section 1861(ccc) of  
 22 the Social Security Act, as added by paragraph (1))  
 23 under title XVIII of such Act and who receive such  
 24 services, together with such recommendations for  
 25 legislative and administrative action as the Secretary

1       determines to be appropriate to fulfill the legislative  
2       intent that resulted in the enactment of that sub-  
3       section.

4       (b) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to services furnished on or after  
6 January 1, 2008.

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